

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF JUNE 23, 2016**

**COURTNEY HUDSON GOODSON, JUSTICE**

[CR-15-813](#). Phillip Floyd v. State of Arkansas, from Carroll County Circuit Court, Eastern District. Affirmed. Brill, C.J., concurs. Baker and Hart, JJ., dissent.

[CV-15-992](#). Wendy Kelley, In Her Official Capacity as Director, Arkansas Department of Correction; and Arkansas Department of Correction v. Stacey Johnson, Jason McGehee, Bruce Ward, Terrick Nooner, Jack Jones, Marcel Williams, Kenneth Williams, Don Davis, and Ledell Lee, from Pulaski County Circuit Court, Fifth Division. Reversed and dismissed; motion to strike moot. Wynne, J., concurs in part; dissents in part. Danielson and Hart, JJ., dissent.

[CV-16-85](#). Michael Landers, David Guthrie, Kenneth Johnson, J.W. Looney v. Gail H. Stone, Executive Director of the Arkansas Judicial Retirement System; Robert Edwards, Chairman of the Arkansas Judicial Retirement System, Circuit Judge; Gayle Ford, Circuit Judge (Retired); Mark Hewett, Circuit Judge (Retired); Charles Yeargan, Circuit Judge; and Marcia Hearnberger, Circuit Judge, from Pulaski County Circuit Court, Second Division. Affirmed. Baker and Hart, JJ., concur. Brill, C.J., and Danielson, J., dissent.

**JOSEPHINE LINKER HART, JUSTICE**

[CR-15-971](#). Clint Beavers v. State of Arkansas, from Garland County Circuit Court. Reversed and remanded with instructions. Brill, C.J., and Goodson and Wynne, JJ., dissent.

**RHONDA K. WOOD, JUSTICE**

[CV-16-25](#). McCain Mall Company Limited Partnership v. Pulaski County Circuit Court, from Pulaski County Circuit Court, Twelfth Division. Petition for writ of certiorari denied. Danielson, J., dissents.

**ROBIN F. WYNNE, JUSTICE**

[CV-15-944](#). Integrated Direct Marketing, LLC v. Drew May and Merkle, Inc., from the United States District Court for the Eastern District of Virginia, Alexandria Division. Certified question answered.

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**PER CURIAM ORDERS**

REHEARING DENIED: Petition for rehearing was denied today in the following case.

CR-06-1327. Terry Lee Ward v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

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REVIEWS GRANTED: Petitions for review were granted today in the following cases.

CR-16-427. Derrick Gerade Lambert v. State of Arkansas, from Drew County Circuit Court.

CV-16-185. Elizabeth Ann Williamson, as Administrator of the Estate of Cynthia Frazier, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Cynthia Frazier v. Baptist Health Medical Center, from Pulaski County Circuit Court, Third Division.

CV-16-238. Joshua Kilgore v. Robert Mullenax and Senior Dental Care, LLC, from Pulaski County Circuit Court, Second Division.

CV-16-257. Sarah C. Gildehaus v. Arkansas Alcoholic Beverage Control Board and Christopher Moore, from Benton County Circuit Court. Danielson, J., not participating.

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REVIEWS DENIED: Petitions for review were denied today in the following cases.

CV-16-110. India Bishop v. Farm Bureau Mutual Insurance Company of Arkansas, Inc., from Pulaski County Circuit Court, Third Division. Hart, J., would grant.

CV-16-132. Eileen Madden v. Mercedes-Benz USA, Inc. et al., from Jackson County Circuit Court.

CV-16-163. Teresa Bloodman v. Bank of America N.A., from Saline County Circuit Court. Wood and Wynne, JJ., not participating.

CV-16-179. Liberty Bank of Arkansas, as Successor Trustee of the Vernon E. Arnold Revocable Trust v. Clyde E. Byrd, Jr., Executor of the Estate of Ardellia D. Byrd Arnold, Deceased, from Pope County Circuit Court.

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REVIEWS DENIED CONTINUED: Petitions for review were denied today in the following cases.

CV-16-222. Ricky Whitecotton and Denene Whitecotton v. Arlis Ray Owen and Jeannie Owen, from Logan County Circuit Court, Northern District.

CV-16-236. Sharon K. Barton, Robert Franklin Bryant, Gallie Thomas Bryant, and Frances Paulette Bryant v. Bobby and Sheila Brockinton, from Faulkner County Circuit Court. Hart, J., would grant.

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CR-15-948. Randy William Gay v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to file enlarged brief is granted.

CR-16-165. Chris Aaron Schnarr v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion for certification to the Supreme Court is granted.

CR-16-266. Rashune Leon Raglon v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion for extension of time to lodge record is granted.

CR-16-487. Christopher Beverage v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion for rule on clerk is granted.

CR-16-505. Cohen James Davis v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for belated appeal is granted. Appellant's motion to withdraw is granted.

CR-16-543. Karl D. Roberts v. Honorable Jerry Ryan, Circuit Judge, from Polk County Circuit Court. Petition for extraordinary relief, for writ of certiorari and expedited motion to stay proceedings. Petition for writ of certiorari is granted; motion to stay proceedings is moot. Motion to intervene in petition for extraordinary relief filed by Federal Public Defender Commission on behalf of Karl Roberts is granted. Intervenor, Arkansas Public Defender Commission's response, or in the alternative, separate petition for writ of certiorari and expedited request for stay is moot. (Proceedings of June 22, 2016)

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CV-15-912. Convent Corporation, Individually and on Behalf of All Others Similarly Situated v. City of North Little Rock, Arkansas, a Municipal Corporation; Joe Smith, Mayor, Individually and In His Official Capacity; City Council Members Debi Ross, Beth White, Linda Robinson, Maurice Taylor, Steve Baxter, Bruce Foutch, Murry Witcher, and Charlie Hight, Each Individually and In His or Her Official Capacity; Tom Wadley, Director, Code Enforcement Division, Individually and In His Official Capacity; and Felicia McHenry, Code Enforcement Officer, Individually and In Her Official Capacity, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion for costs on appeal is denied as moot. See mandate.

CV-15-988. Nathaniel Smith, MD, MPH, Director of the Arkansas Department of Health, In His Official Capacity, and His Successors in Office v. Marisa N. Pavan and Terrah D. Pavan, Individually and as Parents, Next Friends, and Guardians of T.R.P., a Minor Child; Leigh D.W. Jacobs and Jana S. Jacobs, Individually and as Parents, Next Friends, and Guardians of F.D.J, a Minor Child; and Courtney M. Kassel and Kelly L. Scott, Individually and as Parents, Next Friends, and Guardians of A.G.S., a Minor Child, from Pulaski County Circuit Court, Sixth Division. Motion for permission to file amicus curiae brief of the American Civil Liberties Union and the Arkansas Civil Liberties Union is granted.

CV-16-113. Theresa Marshall v. Deutsche Bank National Trust Company, as Trustee for Vendee Mortgage Trust 1993-1, from Pulaski County Circuit Court, Fifth Division. Appellant's motion for reconsideration for extension of time to file record on appeal, waiver of filing fee, waiver of transcript and record is denied.

CV-16-161. Progressive Eldercare Services-Bryant, Inc. d/b/a Southern Trace Rehabilitation and Care Center v. Wilda Price, as Personal Representative of the Estate of Dovie Price, from Saline County Circuit Court. Appellant's petition to transfer case to the Arkansas Supreme Court is denied. Danielson, J., would grant.

CV-16-249. Hiawatha J. Covington v. United States of America, Rural Housing Service, from Hempstead County Circuit Court. Appellee's motion to dismiss and brief in support is denied.

CV-16-249. Hiawatha J. Covington v. United States of America, Rural Housing Service, from Hempstead County Circuit Court. Appellant's motion for extension of time to pay filing fee is moot.

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CV-16-269. Arkansas Department of Human Services/ Division of Youth Services v. State of Arkansas, Stephanie Daniels, and J.D., Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellant's motion for belated filing of record is denied.

CV-16-270. Arkansas Department of Human Services/Division of Youth Services v. State of Arkansas and J.J., Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellant's motion for belated filing of record is denied.

CV-16-271. Arkansas Department of Human Services/Division of Youth Services v. State of Arkansas, Linda Goodwin, and E.W., Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellant's motion for belated filing of record is denied.

CV-16-500. Stasia Scarver v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Appellant's motion for rule on clerk is granted.

CV-16-501. Kelion Bowman v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellees' motion to dismiss appeal is granted.

CV-16-502. Shanice Cox v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Appellees' motion to dismiss appeal is granted.

[D-13-150](#). Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct v. John Skylar (Sky) Tapp, Arkansas Bar No. 76123, an Original Action. Respondent's motion to substitute portable document format (PDF) copies of the record in lieu of abstract is granted. See **per curiam** this date.

[D-16-174](#). Stark Ligon, Executive Director of the Supreme Court Committee on Professional Conduct v. Jeffrey H. Kearney, Arkansas Bar No. 91249, an Original Action. Motion for appointment of special judge. Special judge appointed. See **per curiam** this date.

D-16-491. In Re Thomas J. Demarco, Arkansas Bar No. 80175, an Original Action. Petition of Thomas J. Demarco, Arkansas Bar No. 80175, for voluntary surrender of license (resignation) is granted.

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D-16-492. In Re Russell A. Hollrah, Arkansas Bar No. 84185, an Original Action. Petition of Russell A. Hollrah, Arkansas Bar No. 84185, for voluntary surrender of license (resignation) is granted.

D-16-493. In Re P. Maureen Bock-Dill, Arkansas Bar No. 91020, an Original Action. Petition of P. Maureen Bock-Dill, for voluntary surrender of license (resignation) is granted.

D-16-494. In Re Kevin E. Reed, Arkansas Bar No. 2005103, an Original Action. Petition of Kevin E. Reed, Arkansas Bar No. 2005103, for voluntary surrender of license (resignation) is granted.

D-16-495. In Re David Brock East, Arkansas Bar No. 2006107, an Original Action. Petition of David Brock East, Arkansas Bar No. 2006107, for voluntary surrender of license (resignation) is granted.

D-16-498. In Re Lynn Jeanne Bush, Arkansas Bar No. 76155, an Original Action. Petition of Lynn Jeanne Bush, Arkansas Bar No. 76155, for voluntary surrender of license (resignation) is granted.

[D-16-530](#). In Re James Paul Clouette, Arkansas Bar No. 74025, an Original Action. Petition of James Paul Clouette, Arkansas Bar No. 74025, for voluntary surrender of license is granted. See **per curiam** this date.

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[CV-16-472](#). Reginald L. Dunahue v. Honorable Jodi Raines Dennis, Circuit Judge, and Cindy Glover, Circuit Clerk of Lincoln County, from Lincoln County Circuit Court. Petitioner's pro se petition for intervention and order to comply filed as motion for rule on Arkansas Supreme Court Clerk. Special Master appointed. See **per curiam** this date.

In Re Arkansas Rules of Professional Conduct, Rule 1.5. See [per curiam](#) this date.